IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 736 (S/S) of 2007

Rajendra Singh S/o Late Daulat Singh
Lecturer English, C.M.D. Inter College, Chudiyala, Haridwar
District- Haridwar ---------- Petitioner.

Versus

1. State of Uttarakhand through Secretary Education, Dehradun
2. Director of Education, Dehradun
3. Additional Director of Education (Garhwal), Pauri Garhwal
4. District Education Officer, Haridwar, District Haridwar
5. Committee of Management, C.M.D. Inter College Chudiyala Haridwar, District Haridwar through its Manager
6. Devi Chand S/o Sri Kali Ram, Officiating Principal, C.M.D. Inter College, Chudiyala Haridwar, District Haridwar

-------Respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri A.V. Pundeer, learned counsel for the petitioner and Sri Ashish Joshi, learned Standing Counsel State of Uttarakhand for the respondent nos. 1, 2, 3, and 4.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. Issue a writ, order or direction in the nature of mandamus commanding/directing the respondent nos. 1 to 5 to appoint the petitioner on the post of Principal according to the provisions of Uttaranchal Education Act, 2006.
2. Issue any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case be passed in favour of petitioner.
3. Cost of petition be awarded in favour of the petitioner.

The submission of the petitioner is that he was appointed as L.T. Grade Teacher in C.M.D. Inter College Chudiyala, Haridwar in the year 1977. Thereafter, petitioner was promoted on the post of Lecturer in English on ad hoc basis in the year 1982 and was regularized with effect from 06.04.1992. After the retirement of Principal in the said institution, the respondent has given charge of Principal to respondent no. 6. Petitioner has further submitted that respondent no. 6 was appointed as Lecture in the said institution on regular basis w.e.f. 1986, however, in the seniority list published by the Committee of Management, respondent no. 6 was placed below the petitioner and, consequently, he is junior to the petitioner.

I do not agree with the submission made by the learned counsel for the petitioner. In case, respondent no. 6 was appointed as regular Lecturer in the year 1986 and petitioner was appointed as Lecturer on regular basis w.e.f. 1992, this argument is not acceptable that respondent no. 6 is junior to the petitioner.

In any way, the petitioner has already moved a representation before the appropriate authority on 4th June, 2007, which is still pending before respondent no. 4. During the course of argument, learned counsel for the petitioner has submitted that the respondent no. 4 may be directed to take decision on the representation of the petitioner within a period prescribed by the Court.

The prayer is innocuous.

In the circumstances, I direct respondent no. 4 to take decision on the representation of the petitioner dated 4th June,

2007 within a period of four weeks from the date of production of a certified copy of this order.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

27.06.2007
VKS